IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1107 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NARSINHBHAI RATANJIBHAI PATEL

Versus

SHAMJIBHAI RAMJIBHAI GOHEL

Appearance:

MR AJ SHASTRI for Petitioner Nos. 1-2

MS YAMINI J DESAI for Respondent No. 1

RULE SERVED for Respondent No. 2

MR PRAVIN GONDALIYA for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 04/03/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Regular Civil Suit No.532 of 1995. In the aforesaid suit, the original plaintiff gave an application Exhibit

5 for interim injunction. The trial court rejected the same, against which the original plaintiff preferred appeal, being Civil Miscellaneous Appeal No.82 of 1996. The appellate court allowed the said appeal and granted injunction, as prayed for, against which the original defendants of the said suit have filed this revision.

Mr.Shastri, learned Advocate for the petitioners, submitted that in view of the amendment in Section 115 of the Code of Civil Procedure, now, this revision against an interlocutory order is not maintainable. He submitted that, therefore, the petitioners would like to file a Special Civil Application under Article 227 of the Constitution of India, challenging the impugned order of the appellate court. He, therefore, wants permission to withdraw this CRA. Permission is granted. This CRA is disposed of as withdrawn. Rule is discharged. No costs.

4th March, 2004 (P.B. Majmudar, J.)

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(apj)